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Mike Wolff: Chief of Collegiality

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MIKE WOLFF: CHIEF OF COLLEGIALLY

THE HONORABLE DUANE BENTON*

Because appellate judges in the United States make decisions only in groups, the study of collegiality is essential to understanding appellate courts. The most comprehensive definition of collegiality is by Judge Frank M. Coffin:

The deliberately cultivated attitude among judges of equal status and sometimes widely differing views

working in intimate, continuing, open, and noncompetitive relationship with each other,

which manifests respect for the strengths of the others,

restrains one's pride of authorship, while respecting one's own deepest convictions,

values patience in understanding and compromise in nonessentials,

and seeks as much excellence in the court's decision as the combined talents, experience, insight, and energy of the judges permit.¹

Each trait in this definition was exemplified by Judge Michael A. Wolff during our six years of service together on the Supreme Court of Missouri. My observation does not mean that we always agreed, as the record shows

* Circuit Judge, United States Court of Appeals for the Eighth Circuit. Judge, Supreme Court of Missouri, 1991–2004; Chief Justice, 1997–1999.

1. FRANK M. COFFIN, ON APPEAL: COURTS, LAWYERING, AND JUDGING 215 (1994). At one time, Judge Coffin suggested the term “judiciality” for appellate judicial collegiality in order to distinguish it from other collective efforts. Frank M. Coffin, *The Anatomy of Judicial Collegiality*, in DANIEL J. MEADOR, MAURICE ROSENBERG & PAUL CARRINGTON, APPELLATE COURTS: STRUCTURES, FUNCTIONS, PROCESSES, AND PERSONNEL 550–51 (1994) (paper originally presented at Seminar for Newly Appointed Federal Appellate Judges, Federal Judicial Center, Washington, D.C., May 1, 1985). He eventually abandoned this effort, bowing to the established term “collegiality.” His writing on collegiality is “the best thing written on the subject.” James L. Oakes, *On Appeal: Courts, Lawyering, and Judging*, 104 YALE L.J. 2369, 2376 (1995) (book review by a senior circuit judge of the United States Court of Appeals for the Second Circuit).

otherwise.² Regardless of the particular result, however, Judge Wolff was at all times collegial.

Mike's collegiality is no accident or artifice. His relationships at work reflect that he is a real person. An Ivy League graduate, who labored as a newspaper reporter. A law school professor for a quarter century, who wrote practical jury instruction guides and won awards for teaching excellence. A politician who twice sought statewide office, experiencing what Chief Justice John C. Holstein—three times elected as a trial judge—calls the “leveling” effect of electioneering. A counsel to the governor, who also served as a legal-services attorney. An international humanitarian, who supports the efforts of his wife, Dr. Patricia B. Wolff, to organize feeding programs for malnourished children in Haiti and Malawi.³ A devoted father to Andrew and Benjamin.

Judge Harry T. Edwards, in the leading article on the effects of collegiality on judicial decision making, concedes that it is difficult to know what personal attributes contribute to strong, effective leadership by chief judges.⁴ While difficult in the abstract, it is easy in this case: I predict that Chief Justice Wolff will collegially lead the Supreme Court to recognition as one of the great courts in the country.

2. See, e.g., *State v. Siebert*, 93 S.W.3d 700, 708 (Mo. 2002), *aff'd*, 542 U.S. 600 (2004); *State v. Wolfe*, 13 S.W.3d 248 (Mo. 2000).

3. For details, see the website www.medsandfoodforkids.org (last visited April 14, 2006).

4. Harry T. Edwards, *The Effects of Collegiality on Judicial Decision Making*, 151 U. PA. L. REV. 1639, 1673 (2003).